HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 7614 of 2007

PETITIONERS

1. Sashikant Shrivastava, aged 49 years, son of late Shri M.L. Shrivastava, Middle School Junwani (Bhilai)
2. Prakash Narayan Mishra, aged 53 years, Son of late Shri K.P.Mishra, Middle School, Sharda para, Camp -2 Bhilai
3. Hridayaram Yadava, aged 49 years Son of late Shri B.R. Yadava, Primary School No.1, Titurdeeh, Durg
4. Krishnaram Sahu, aged 56 years, son of Shri Udairam Sahu, Girls Primary School No.2, Titurdeeh
5. Balmakund Sahu, aged 51 years, son of Shri Panchram Sahu, Middle School Brindanagar, Camp-1, Bhilai
6. Arjun Singh Sahu, aged 52 years, son of late Shri B.R. Sahu, Primary School, Junwani
7. Sohanlal Bharati, aged 49 years son of Shri Santuram Primary School, Kutelabhatha
8. Kiritram Patel, aged 50 years, son of Shri Poonaram Patel, Navin Middle School No.2, Titurdeeh Durg
9. Gambhiralal Chandraker aged 49 years, son of Shri Firturam Middle School Katulbod, Durg
10. Khadaksingh Yadu, aged 51 years, S/o Shri Derharam Yadu, Primary School, Kailashnagar, Durg
11. Neelkanth Yadava, aged 52 years son of Shri Feruram Yadava Navin Middle School, Durg
12. Romnath Patel, aged 49 years, son of Shri Komalsingh Patel, High School, Camp-1 Bhilai
13. Surajbhan Thakur, aged 53 years, son of Shri Anjorsingh Thakur, Primary School, Gayabainagar, Durg
14. Smt. Pushpa Tiwari, aged about 50 years, wife of Shri Murali Prasad Tiwari, M.G. Middle School, Durg

15 Harishankar Meshram, aged 53 years son of Shri Mahabir Meshram, Primary School Dunda (Gunderehi)

16 Dhaneshwar Kumar Nirmal age 53 years son Shri Manglu Ram Nirmal Govt. Primary School, Sector-6 Bhilai

17 Ramjilal Sahu, aged 52 years, son of late Shri Kejauram Sahu Girl's Primary School, Dundera (Utai)

18 Narottam Lal Bharati, aged 50 years, son of Shri Kisanlal Bharati, Primary School, Joratarai (Utai)

19 Dularldals Sahu, aged 51 years, son of Shri Khorbahararam Sahu Middle School Jamarwar Block Balod

All Assistant Teachers, District Durg

Versus

RESPONDENTS

1 The State Govt. of Chhattisgarh through the Secretary School Education Department, Ministry D.K.S. Bhawan, Raipur (C.G.)

2 Director Public Instructions, State of Chhattisgarh, Pension Bada, Raipur (C.G).

3 The District Education Officer, Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State/ respondents on advance copy.

ORAL ORDER
(20.12.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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